

REMARKS

In the non-final Office Action, dated April 27, 2006, the Examiner rejects claims 1, 4-6, 9-11, 14-17, 19, 20, 22, 26-33, and 35-38 under 35 U.S.C. § 102(e) as anticipated by TUROCK (U.S. Patent No. 6,243,373); rejects claim 7 under 35 U.S.C. § 103(a) as unpatentable over TUROCK in view of IMMENDORFER et al. (U.S. Patent No. 4,763,350); and rejects claims 34 and 39 under 35 U.S.C. § 103(a) as unpatentable over TUROCK in view of HELLWARTH et al. (U.S. Patent No. 4,935,956). Applicant respectfully traverses these rejections.¹ Claims 1, 4-7, 9-11, 14-17, 19, 20, 22, and 26-39 remain pending.

Claims 1, 4-6, 9-11, 14-17, 19, 20, 22, 26-33, and 35-38 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by TUROCK. Applicant respectfully traverses this rejection.

Applicant submits herewith a Declaration by the inventor, Lisheng HUANG, under 37 C.F.R. § 1.131 and Exhibits A-J (referred to collectively as the "HUANG Declaration"). The HUANG Declaration establishes conception of the invention claimed in the present application prior to September 20, 1995, which is prior to the filing date of TUROCK. In Exhibits A-J of the HUANG Declaration, dates have been blocked out. All blocked out dates are prior to September 20, 1995.

Applicant further submits herewith a Declaration by Burton A. AMERNICK, Esq., under 37 C.F.R. § 1.131 and Exhibits A-J (referred to collectively as the "AMERNICK Declaration"). As indicated in the AMERNICK Declaration, Mr. AMERNICK was an

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements

attorney with the firm of Pollock, Vande Sande & Priddy R.L.L.P., which represented Mr. HUANG in the preparation of the present patent application. The AMERNICK Declaration further establishes conception of the invention claimed in the present application prior to September 20, 1995, which is prior to the filing date of TUROCK. In Exhibits A-J of the AMERNICK Declaration, dates have been blocked out. All blocked out dates are prior to September 20, 1995.

Together, the HUANG and AMERNICK Declarations further establish reasonable diligence in reducing the invention to practice by filing the present patent application on December 20, 1995.

Applicant submits that the HUANG and AMERNICK Declarations act to remove the TUROCK patent as a reference against the claims of the present patent application. Accordingly, Applicant submits that claims 1, 4-6, 9-11, 14-17, 19, 20, 22, 26-33, and 35-38 are allowable over the art of record.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claims 1, 4-6, 9-11, 14-17, 19, 20, 22, 26-33, and 35-38 under 35 U.S.C. § 102(e) based on TUROCK be reconsidered and withdrawn.

Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over TUROCK in view of IMMENDORFER et al. Applicant respectfully traverses this rejection.

As indicated above, Applicant submits herewith the HUANG Declaration under 37 C.F.R. § 1.131 (which includes Exhibits A-J) and the AMERNICK Declaration under 37 C.F.R. § 1.131 (which includes Exhibits A-J) that remove the TUROCK patent as a reference

against the claims of the present patent application. Applicant submits that claim 7 is patentable over IMMENDORFER et al.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claim 7 under 35 U.S.C. § 103(a) based on TUROCK and IMMENDORFER et al. be reconsidered and withdrawn.

Claims 34 and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over TUROCK in view of HELLWARTH et al. Applicant respectfully traverses this rejection.

As indicated above, Applicant submits herewith the HUANG Declaration under 37 C.F.R. § 1.131 (which includes Exhibits A-J) and the AMERNICK Declaration under 37 C.F.R. § 1.131 (which includes Exhibits A-J) that remove the TUROCK patent as a reference against the claims of the present patent application. Applicant submits that claims 34 and 39 are patentable over HELLWARTH et al.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claims 34 and 39 under 35 U.S.C. § 103(a) based on TUROCK and HELLWARTH et al. be reconsidered and withdrawn.

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: October 9, 2007

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Attachments: Declaration by Lisheng HUANG and Exhibits A-J
Declaration by Burton A. AMERNICK, Esq. and Exhibits A-J